IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 19639 of 2002

Between:

Thamma Seetaraeedy, S/o. Venkata Appa Reddy,
R/o. Pamarru Village, & Mandal, Krishna District.

..... PETITIONER

AND

1 The Station House Officer, Pamarru P. S,.
Pamarru, Krishan District.
2 Smt. Thamma Kanyakumari, W/o. late Sri Thamma Nagi Reddy,
C/o. Devireddi Venkata Rami Reddy,

presently residing at Kotireddy Peta,
pamarru mandal, Krishan District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Mandamus, or any other appropriate Writ, order or direction, directing the first respondent to provide for Police Protection to the petitioner, his family and his property and pass such other order or orders as may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.C.NAGESWARA RAO

Counsel for the Respondent No.1: GP FOR HOME

Counsel for Respondent No.2: MR.P.KRISHNA PRAKASH

The Court made the following :

ORDER:

The petitioner claims to be the absolute owner of the house bearing No.27/101. The second respondent, who is the wife of the petitioner's elder brother, claimed a share in the property. Therefore, he filed a suit, being O.S.No.355 of 2001, on the file of the Court of the Junior Civil Judge, Gudivada, and obtained ad interim injunction in I.A.No.1578 of 2001, dated 12.12.2001. The petitioner alleged that after the death of his brother, the second respondent made attempts to forcibly occupy the vacant portion of the house. The first respondent, in spite of the complaint, did not register any case. Apprehending threat to the petitioner and his family, he filed the present writ petition seeking a direction to the first respondent to protect him.

Along with the writ petition, the petitioner also filed W.P.M.P.No.24659 of 2002 for interim directions to the respondents not to interfere with the peaceful possession. Having regard to the fact that the petitioner already approached the Civil Court, this Court declined to pass the interim orders and dismissed the W.P.M.P.

The first respondent filed a counter affidavit denying any knowledge of civil dispute between the petitioner and the second respondent. Though the counter affidavit was filed on 08.11.2002, no reply affidavit is filed. This shows that the petitioner's averments and the allegations made in the writ affidavit are imaginary.

If there is any threat, it shall be open to the petitioner to lodge a complaint before the first respondent, and on mere allegations made in the writ affidavit, no direction can be granted as prayed for.

The writ petition, with the above observation, is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

23.06.2005

vs

To

1 The Station House Officer, Pamarru P. S,.
Pamarru, Krishna District.
2 2 CCs to the Government Pleader for Home, High Court Buildings, Hyderabd.

3 2 CD copies.